

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

OHIO VALLEY ENVIRONMENTAL
COALITION, INC., WEST VIRGINIA
HIGHLANDS CONSERVANCY, INC.,
and SIERRA CLUB,

Plaintiffs,

v.

Civil Action No.: 3: 11-cv-0009

MAPLE COAL COMPANY,

Defendant.

ORDER TERMINATING CONSENT DECREE.

On June 26, 2012, the Court entered a Consent Decree between the parties to this case, plaintiffs Ohio Valley Environmental Coalition, Inc., et al. and defendant Maple Coal Company. Dkt. No. 115. The Consent Decree allows Maple to provide notice to plaintiffs that it has achieved compliance with the applicable selenium limits at Outfall 006 under WV/NPDES Permit No. WV1009311 for at least six (6) consecutive months, and therefore declare that the Consent Decree is terminated. Consent Decree, ¶ 46. Upon receipt of such notice, plaintiffs are provided with thirty (30) days to object to the Court that the required criteria to demonstrate compliance have not been met. Id.

Maple provided such notice on May 4, 2015. Dkt. No. 117. Plaintiffs have not responded to that notice. Maple has now moved for entry of this Order formally terminating the Consent Decree.

WHEREFORE, finding that the conditions set forth in the Consent Decree have been satisfied, the Court hereby FINDS and CONCLUDES that the Consent Decree entered in this matter on June 26, 2012 is and shall be TERMINATED.

The Court directs the Clerk to send a copy of this Order to all counsel of record.

ENTER: 6/15/15, 2015.


ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE